

Serial No.: 10/031,972

### **REMARKS**

Claims 1-12 and 14-21 are now pending in the application. Claims 12 and 21 have been amended herein, and claim 13 has been canceled. Favorable reconsideration of the application, as amended, is respectfully requested.

Applicants have amended Figs. 19-22 to include the legend "Related Art" as requested by the Examiner. In addition, applicants have amended claim 21 to correct the typographical error noted by the Examiner. Withdrawal of the objections to the drawings and claims is respectfully requested.

#### ***I. ALLOWABLE SUBJECT MATTER***

Applicants acknowledge with appreciation the allowance of claims 1-11 and 17-20. Moreover, applicants note with appreciation the indicated allowability of claims 15 and 16. These claims will be in condition for allowance upon being amended to independent form.

#### ***II. REJECTION OF CLAIMS 12-16 AND 21 UNDER 35 USC §112, 2<sup>ND</sup> ¶***

Claims 12-16 and 21 stand rejected under 35 USC §112, second paragraph, as being indefinite. Withdrawal of the rejection is respectfully requested for at least the following reasons.

The Examiner indicates that the phrase "correcting the output of the detecting section at generally the same rate according to a variation rate for an output of the control section" is unclear. The Examiner notes that the claim has been interpreted as if "according to" was replaced by -- as --.

Claim 12 has been amended to replace the objected to language. Specifically, claim 12 now recites correcting the output of the detection section by delaying for a time necessary to detect the reflected light or the transmitted light from the recording medium by the detection section at a rate required to have an inverse number of a variation rate for an output of the control section. Support for such amendment is found, for example, in the present application at page 38, lines 12-20.

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Withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

**III. REJECTION OF CLAIMS 12-14 UNDER 35 USC §102(b)**

Claims 12-14 stand rejected under 35 USC §102(b) based *Aoki*. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

As noted above, a feature of amended claim 12 is the step of correcting the output of the detection section by delaying for a time necessary to detect the reflected light or the transmitted light from the recording medium by the detection section at a rate required to have an inverse number of a variation rate for an output of the control section. *Aoki* does not teach or suggest such a step.

More specifically, *Aoki* teaches that the reflected light detection section, i.e., an element 8 or 22 fo Fig. 7 corresponds to the wobble amplitude detector 10 described in the specification of the present application. In the present specification, an element corresponding to the low-pass filter 51 of *Aoki*, as pointed out, is disclosed as a conventional art problem. (See, e.g., Spec., p. 41, ln. 21).

The output of the wobble amplitude detector 10 is rendered to output a signal upon delaying for a certain time against a signal to be inputted from the differential amplifier 20 by means of phase delaying of an internal band-pass filter 41. (See, e.g., Fig. 6 of the present application).

The method of claim 12 is useful in solving a problem which existed in the configuration of *Aoki* with the employment of a low pass filter which is effective to reduce noise and circuit cost, as mentioned from line 12 of page 38 in the specification. Corrected is an error upon multiplying an inverse number of power increasing component to a detailed value, after finding that, due to delaying an operation of the detection section against a frequency of varying power, a difference between a variation component of the practical reflected light, which is varied at several 10 KHz according to the power increasing, and a power variation of the detections sections is influenced to make an error against the control section. Reference is made to Fig. 12 of the application, showing that INV\_Pup(n) against Pup(n) is a relationship of inverting.

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Applicants note that the present invention in the embodiment of Fig. 5 adopts the digital filter 35 as a constituting element to solve the above problem. The digital filter 35 is constructed to have the same delay as the delay caused by the band pass filter 41 as mentioned on line 3 of page 42, thereby to provide a notable effect to deny the influence of the above mentioned error.

For at least the above reasons, withdrawal of the rejection of claim 12 and the claims dependent therefrom is respectfully requested.

**IV. REJECTION OF CLAIM 21 UNDER 35 USC §103(a)**

Claim 21 stands rejected under 35 USC §103(a) based *Aoki* in view of *Satoh et al.* Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 21 depends from claim 12 and therefore may be distinguished over the teachings of *Aoki* for at least the same reasons recited above. Moreover, *Satoh et al.* does not make up for the deficiencies in *Aoki*.

**V. CONCLUSION**

Accordingly, all claims 1-12 and 14-21 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

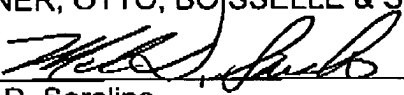
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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